

KINSEL·LAW·OFFICES

PROFESSIONAL LIMITED LIABILITY COMPANY

FOURTH & BATTERY BUILDING
2401 FOURTH AVENUE, SUITE 850
SEATTLE, WASHINGTON 98121

TELEPHONE

(206) 706-8148

WILLIAM A. KINSEL ADMITTED IN WASHINGTON & OREGON

FAX

(206) 374-3201

February 17, 2023

Judge Brian D. Lynch
United States Bankruptcy Court
Western District of Washington (Tacoma)
1717 Pacific Avenue, Suite 2100
Tacoma, WA 98402-3233

Re: **In re Herbert L. Whitehead, III; Wren v. Whitehead, Adv. #22-4011-BDL**

Dear Judge Lynch:

I am writing to provide the Court with a status report on the ongoing jury trial in Wren v. David Gage Whitehead v. Stanford and Sons, LLC, et al., Pierce County Superior Court Cause #20-2-04347-3 (the State Case).

The State Case was assigned to the Honorable Judge Stanley Rumbaugh, Superior Court Dept. 18, for trial commencing on February 13, 2023. The jury was selected that day, with testimony beginning late in the afternoon at 3:15. Trial days in Pierce County Superior Court begin at 9:00 AM and end at 4:00 PM, with 2 hours of breaks spread throughout the day. Trial continued on Tuesday and Wednesday, February 14 and 15. The State Case is now in recess until Tuesday, February 21, 2023, because Judge Rumbaugh had other commitments on Thursday, February 16, Fridays are not trial days in Pierce County, and the State Court is closed this Monday for the Presidents' Day Holiday. Trial will then continue from Tuesday through Thursday, February 23, and on Monday and Tuesday, February 27 and 28, 2023, if needed.


Considering that barely more than two, five hour days have been available for that State Case jury trial, reasonable progress is being made. I have a reasonable level of confidence at this time that that matter will be complete, and that the jury's verdict will be received, by February 28, 2023. However, I do feel compelled to inform the Court that there is some risk of a scheduling conflict not only for plaintiffs' counsel, but also for the Debtor (there witness) Herbert Whitehead III, plaintiff (there party) Kenneth Wren, witness (there party) David Gage Whitehead, witness (there party) Kenneth Brautigan, and Debtor's just-identified witness (there defense counsel) Thomas Dashiell, all of whom are required to attend that State Case in person.

Judge Brian D. Lynch
United States Bankruptcy Court
Western District of Washington (Tacoma)
Page 2
February 17, 2023

I will of course keep the Court updated on the status of the State Case as the matter proceeds through trial.

Very truly yours,

KINSEL LAW OFFICES


William A. Kinsel

cc: Matthew Johnson, U.S. Trustee
Mike DeLeo, Subchapter V Trustee
Ben Ellison, Esq.
Kenneth and Alice Wren

230217c1